

AMENDED IN SENATE APRIL 22, 2004

SENATE BILL

No. 1481

Introduced by Senator Chesbro

February 19, 2004

An act relating to tidelands and submerged lands of the City of Vallejo.

LEGISLATIVE COUNSEL'S DIGEST

SB 1481, as amended, Chesbro. Tidelands: City of Vallejo.

Existing law grants to the City of Vallejo all the right, title, and interest of the State of California in and to all tidelands and submerged lands situated in the Napa Creek, the Mare Island Straits, and the Straits of Carquinez within the boundaries of the city, as specified, in trust for certain purposes, including promotion of commerce, navigation, and fishery, and for establishing a harbor and related facilities.

This bill would provide for the grant and conveyance to the City of Vallejo, as described, and to its successors, of all the right, title and interest of the State of California held by the state in and to, all the tide and submerged lands and lands lying under inland navigable waters within the present boundaries of the City of Vallejo for public trust purposes, as defined, except for specified lands currently leased to the Wildlife Conservation Board, the Department of Fish and Game, and the United States Fish and Wildlife Service, and those lands subject to the Mare Island Property Settlement and Exchange Agreement, as provided. The bill would specify the purposes for which those lands may be used, and would prescribe related matters. The bill would prescribe procedures for the exchange and termination of the public trust or interest in those lands by the city.

The bill would provide that its provisions are severable and if any provision of the bill or its application is held invalid, that invalidity shall not affect other provisions or application that can be given effect without the invalid provision or application.

~~This bill would state the intent of the Legislature to amend those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. It is the intent of the Legislature to amend~~
2 ~~Chapter 310 of the Statutes of 1913 that conveyed to the City of~~
3 ~~Vallejo certain tidelands and submerged lands within the~~
4 ~~boundaries of the city for specified uses and purposes.~~

5 ~~SECTION 1. As used in this act, the following definitions~~
6 ~~apply:~~

7 ~~(a) "City" means the City of Vallejo, a municipal corporation~~
8 ~~of the State of California, in Solano County.~~

9 ~~(b) "Public trust purposes" means public purposes, including,~~
10 ~~but not limited to, purposes related to commerce, navigation, and~~
11 ~~fisheries, water-oriented recreation, and preservation of land in a~~
12 ~~natural state.~~

13 ~~SEC. 2. The Legislature hereby finds and declares all of the~~
14 ~~following:~~

15 ~~(a) Since the admission of the State of California into the~~
16 ~~United States, certain tide and submerged lands have been, and~~
17 ~~are now held, in trust by the state for the benefit of all California~~
18 ~~residents for the purposes of commerce, navigation, fisheries,~~
19 ~~water-oriented recreation, and environmental protection and~~
20 ~~conservation. The state is required to govern, administer, and~~
21 ~~control those lands for public trust purposes. The state is~~
22 ~~authorized, when the interests of the public trust require it, to grant~~
23 ~~and convey to municipalities limited and defined areas of public~~
24 ~~trust lands along with the power to govern, control, improve, and~~
25 ~~develop those lands in the interests of the state's residents for~~
26 ~~public trust purposes.~~

27 ~~(b) The State of California, pursuant to statute, has conveyed~~
28 ~~certain tide and submerged lands and lands lying under inland~~
29 ~~navigable waters to the city, in furtherance of public trust~~

1 purposes, and has provided for the administration, management,
2 and control of those lands by the city. The State of California,
3 pursuant Chapter 43 of the Statutes of 1854, Chapter 81 of the
4 Statutes of 1897, and Chapter 1452 of the Statutes of 1963, granted
5 to the United States those tide and submerged lands adjacent to
6 lands held by the United States for military purposes, including
7 lands used for the development of the Mare Island Naval Shipyard.

8 (c) The United States Navy closed the Mare Island Naval
9 Shipyard in 1996, and has conveyed, and will convey, certain lands
10 lying within the boundaries of former Mare Island Naval Shipyard
11 to the city pursuant to the Defense Base Closure and Realignment
12 Act of 1990 (10 U.S.C. Sec. 2687, and following, as amended).
13 Upon closure of the former Mare Island Naval Shipyard, and by
14 the terms of the state grants, the State of California claimed a right
15 of reversion to all lands lying under the shipyard that were
16 previously conveyed to the United States for military purposes. The
17 State Lands Commission, acting under the auspices of the State of
18 California, and in cooperation with the City Council of the City of
19 Vallejo, approved the Mare Island Property Settlement and
20 Exchange Agreement, which was recorded on March 26, 2002, as
21 Instrument Number 02-37955 in the Recorder's Office, County of
22 Solano, State of California. That agreement settled the state's
23 public trust title claims at the former Mare Island Naval Shipyard,
24 and provided for an exchange of trust lands for nontrust lands of
25 equal or greater value, in accordance with the requirements of
26 Section 6307 of the Public Resources Code. The agreement was
27 confirmed as valid, and title to the former Mare Island Naval
28 Shipyard was quieted in accordance with the terms and conditions
29 of that agreement, when implemented, pursuant to the judgment
30 entered in City of Vallejo v. State of California, Solano County
31 Superior Court Case No. 19710 (January 6, 2003), recorded on
32 April 15, 2003, as Document Number 200300058313 in the
33 Recorder's Office, County of Solano, State of California.

34 (d) The settlement of title to tide and submerged lands at Mare
35 Island Naval Shipyard, and the conveyance of those lands to the
36 city, as trustee of all of the state's rights, title, and interest in, those
37 lands within the boundaries of the city held by the state by virtue
38 of its jurisdiction over all tide and submerged lands and lands lying
39 under inland navigable waters, together with the right to govern,
40 control, improve, and develop or retain the lands in their natural

1 state, will result in great advantage and benefit to all the residents
2 of the state.

3 SEC. 3. The State of California hereby grants and conveys to
4 the city, and to its successors, all the rights, title, and interest of the
5 state in all the tide and submerged lands and lands lying under
6 inland navigable waters within the present boundaries of the city
7 for public trust purposes, except for those lands currently leased
8 to the Wildlife Conservation Board, the Department of Fish and
9 Game, and the United States Fish and Wildlife Service, and those
10 lands subject to the Mare Island Property Settlement and
11 Exchange Agreement referenced in subdivision (c) of Section 2 of
12 this act.

13 SEC. 4. As to the lands that are the subject of the Mare Island
14 Property Settlement and Exchange Agreement described in
15 subdivision (c) of Section 2 of this act, the disposition of those
16 lands is to be governed by that agreement. When each public trust
17 parcel that is covered by that agreement is conveyed by quitclaim
18 deed from the state to the city pursuant to the terms of the
19 agreement, that parcel shall thereafter be held by the city pursuant
20 to the terms of this act. Once conveyed to the city, the use of those
21 parcels of land shall be limited to those uses contained in Section
22 3 of the Public Agency Lease, recorded on March 26, 2002, as
23 Instrument Number 02-379555 in the Recorder's Office, County of
24 Solano, State of California.

25 SEC. 5. The lands hereby granted and conveyed to the city
26 pursuant to this act shall be held by the city, and its successors, in
27 trust for uses and purposes consistent with the public trust
28 purposes. Those lands may be used for the construction,
29 reconstruction, repair and maintenance of any transportation,
30 utility, or other infrastructure that is incidental, necessary, or
31 convenient for any uses consistent with the public trust purposes.
32 Those lands shall be held by the city, or its successor, subject to the
33 following conditions:

34 (a) The city, or its successors, shall not grant, convey, or
35 otherwise alienate those lands, or any part thereof, to any
36 individual, firm, or corporation for any purpose, except as
37 provided in this act. However, the city, or its successors, may grant
38 franchises on, or lease those lands, or any part thereof, for limited
39 periods not exceeding a maximum period of 66 years, for purposes
40 consistent the public trust purposes. Those franchises or leases

1 may be subject to any terms or conditions that may be imposed by
2 the city that are deemed by the city to be necessary for municipal
3 purposes. The city shall collect and retain rents from those leases,
4 and any and all rents and revenues received from trust lands and
5 trust assets, hereinafter referred to as “trust revenues.” Those trust
6 revenues shall be expended only for those uses and purposes
7 consistent with the public trust purposes. The purpose of this
8 requirement is to provide for the segregation of funds derived from
9 the use of trust lands in order to ensure that they are expended only
10 to enhance the lands in accordance with the trust uses and
11 purposes upon which the trust lands are held.

12 (b) On or before October 1 of each year, the trustee of those
13 lands described in subdivision (a) shall file with the State Lands
14 Commission a detailed statement of all trust revenues and
15 expenditures relating to its use of trust lands and trust assets,
16 including obligations that have been incurred, but not yet paid,
17 covering the fiscal year preceding submission of the statement.
18 This statement shall be prepared according to generally accepted
19 accounting principles and may take the form of an annual audit
20 prepared by or for the trustee.

21 (c) There is hereby reserved in the people of the State of
22 California the right to fish in the waters on which trust lands may
23 front with the right of convenient access to those waters for fishing
24 purposes.

25 (d) The state shall have the right to use without charge, any
26 transportation, landing, or storage improvements, betterments, or
27 structures constructed upon the trust lands for any vessel or other
28 watercraft or railroad owned or operated by, or under contract to,
29 the state. The state’s use of those facilities shall be governed by the
30 trustee’s rules and regulations.

31 (e) The lands herein granted and conveyed to the city are
32 subject to the express reservation and condition that the state may
33 at any time in the future use those lands, or any portion thereof, for
34 highway purposes without compensation to the city, or its
35 successors or assignees, or any person, firm or public or private
36 corporation claiming any right to those lands, except that in the
37 event improvements have been placed with legal authority upon
38 the property taken by the state for highway purposes,
39 compensation shall be made to the person entitled thereto for the

1 value of the interest in the improvements taken or the damages to
2 that interest.

3 (f) The State of California shall reserve all rights to any
4 remains or artifacts of archaeological or historical significance
5 and to all minerals and mineral rights in the lands now known to
6 exist or hereafter discovered, including, but not limited to, oil and
7 gas and rights thereto, together with the sole, exclusive, and the
8 perpetual right to explore for, remove, and dispose of those
9 minerals by any means or methods suitable to the State of
10 California or to its successors and assignees. Notwithstanding
11 Section 6401 of the Public Resources Code, any mineral right
12 retained pursuant to this section shall not include the right of the
13 state or its successors or assignees in connection with any mineral
14 reservation, removal, or disposal activity, to do either of the
15 following:

16 (1) Enter upon, use, or damage the surface of the lands or
17 interfere with the use of the surface by any grantee or by the
18 grantee's successor or assignees.

19 (2) Conduct any mining activities of any nature whatsoever
20 above a plane located five hundred feet below the surface of the
21 lands without permission of any grantee of the lands or the
22 grantee's successors or assignees.

23 (g) In the management, conduct, operation, and control of the
24 trust lands or any improvement, or structures on that land, the
25 trustee or its successors shall make no discrimination in rates,
26 tolls, or charges for any use or service in connection therewith nor
27 shall the trustee discriminate against or unlawfully segregate any
28 person or group of persons on account of sex, race, color, creed,
29 national origin, ancestry or physical handicap for any use or
30 service in connection herewith.

31 (h) Those lands shall be improved by the city without expense
32 to the State of California, except that nothing contained in this act
33 shall preclude the city from accepting and retaining any grant of
34 funds or subvention from the state or other governmental agencies
35 made available for the purpose of aiding in the development of
36 those lands for any public purpose not inconsistent with the
37 promotion and accommodation of commerce, navigation,
38 fisheries, water-oriented recreation, or environmental purposes.

39 SEC. 6. (a) Subject to the requirements for approval by the
40 State Lands Commission specified in subdivision (b), whenever it

1 *is determined by the city that any portions of the tide or submerged*
2 *lands granted to the city pursuant to this act have been filled and*
3 *reclaimed, cut off from access to the waters of San Pablo Bay and*
4 *Mare Island Strait, constitute a relatively small portion of the tide*
5 *and submerged lands granted to the city, and are no longer needed*
6 *or required for the promotion of the public trust purposes and the*
7 *granted lands trust, and that there will not be a substantial*
8 *interference with the public trust uses and purposes, the city may*
9 *terminate the public trust over those portions of the tidelands and*
10 *exchange those portions of the tidelands, or any interest in those*
11 *lands, with any state agency, political subdivision, person, entity,*
12 *or corporation, or the United States, or any agency thereof, for*
13 *lands or interests in lands of equal or greater value, if those lands*
14 *granted are used for public purposes.*

15 *(b) An exchange and trust termination under subdivision (a)*
16 *shall not be effective until the State Lands Commission, at a*
17 *regular open meeting with the proposed exchange and trust*
18 *termination as a properly scheduled agenda item, does both of the*
19 *following:*

20 *(1) Finds that the lands or interests in lands to be acquired by*
21 *the city and the value of the public trust interest to be created by*
22 *agreement of the city are of a value equal to or greater than the*
23 *value of the tidelands for which they are to be exchanged and the*
24 *value of the tidelands over which the public trust will be*
25 *terminated.*

26 *(2) Adopts a resolution approving the proposed exchange and*
27 *trust termination, which finds and declares that the tidelands to be*
28 *exchanged and over which the public trust will be terminated have*
29 *been filled and reclaimed, are cut off from access to the waters of*
30 *San Pablo Bay and Mare Island Strait, constitute a relatively small*
31 *portion of the tide and submerged lands granted to the city, and are*
32 *no longer needed or required for the promotion of the public trust;*
33 *and that there will not be a substantial interference with the public*
34 *trust uses and purposes that will ensue by virtue of the exchange*
35 *of the trust lands and the trust termination. At the time specified*
36 *in the resolution, the tidelands to be exchanged and with respect*
37 *to which the public trust is to be terminated shall thereupon be free*
38 *from the public trust.*

39 *(c) The provisions of this act are not exclusive with respect to*
40 *the settlement or litigation of titles and boundaries of lands within*

1 *either the present waterway or granted lands. This act does not*
2 *impair nor alter the existing procedural or substantive rights or*
3 *disabilities of any person or entity claiming title to, or an interest*
4 *in, any lands in the present waterway and the granted lands in the*
5 *defense or prosecution of any proceeding now or hereafter*
6 *instituted under the laws of this state, nor affect the applicability*
7 *of those lands with respect to any other provisions of law.*

8 SEC. 7. (a) Any party to an exchange agreement entered into
9 pursuant to this act may bring an action under Chapter 4
10 (commencing with Section 760.010) of Title 10 of Part 2 of the
11 Code of Civil Procedure to quiet title and to confirm the validity
12 of that agreement as if the agreement had been entered into
13 pursuant to Section 6307 or 6357 of the Public Resources Code.
14 No action shall be brought later than 90 days after the recording
15 of the executed agreement.

16 (b) Notwithstanding subdivision (b) of Section 764.080 of the
17 Code of Civil Procedure, a person not a party to an exchange
18 agreement entered into pursuant to this act seeking to bring an
19 action challenging the validity of the agreement shall file that
20 action no later than 180 days after the recording of the executed
21 agreement.

22 (c) Any exchange agreement entered into pursuant to this act
23 shall be conclusively presumed to be valid, unless held invalid in
24 an appropriate proceeding in a court of competent jurisdiction
25 commenced within the time limits specified in this section.

26 SEC. 8. The provisions of this act are severable. If any
27 provision of this act or its application is held invalid, that
28 invalidity shall not affect other provisions or applications that can
29 be given effect without the invalid provision or application.

